



## Box No. I Basis of the report

1. With regard to the language, this report is based on:
- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- ☒ pages 1-7 and 9-21 as originally filed/furnished
- ☒ pages\* 8 received by this Authority on 6 September 2005
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☒ the claims:
- ☐ pages as originally filed/furnished
- ☐ pages\* as amended (together with any statement) under Article 19
- ☒ pages\* 22-26 received by this Authority on 6 September 2005
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- ☒ pages 1/31-31/31 as originally filed/furnished
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☐ pages\* received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

**Box No. IV Lack of unity of invention**

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit:
- ☐ restricted the claims
  - ☐ paid additional fees
  - ☐ paid additional fees under protest and, where applicable, the protest fee
  - ☐ paid additional fees under protest but the applicable protest fee was not paid
  - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

☐ complied with

☒ not complied with for the following reasons:

1. Claims 1-19

Pertain to a retractable roof assembly comprising a fixed rail and a movable rail assembly.

2. Claims 20-27

Pertain to a retractable roof assembly comprising a plurality of roof panels moveable to either a closed, intermediate or stowed position.

4. Consequently, this report has been established in respect of the following parts of the international application:

☒ all parts

☐ the parts relating to claims Nos.

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	<u>1-27</u>	YES
	Claims	<u>NONE</u>	NO
Inventive step (IS)	Claims	<u>1-27</u>	YES
	Claims	<u>NONE</u>	NO
Industrial applicability (IA)	Claims	<u>1-27</u>	YES
	Claims	<u>NONE</u>	NO

**2. Citations and explanations (Rule 70.7)**

Reference is made to the following document:

D1: US 6,604,782

D1 discloses a retractable roof assembly for a motor vehicle comprising a fixed guideway disposed in a roof opening and a movable guideway located in a rear gate of the vehicle that pivots in relation to the fixed guideway. Panels are slidably engaged with the fixed guideway to cover the roof opening in a closed position. To uncover the roof opening, the movable guideway is pivoted to align with the fixed guideway and the roof panels are slid rearwardly to a stowage position in the rear gate of the vehicle. The rear gate can further pivot to a fully open position or fully closed position under manual power or using a power actuator.

The subject matter of claims 1 and 15 differ from D1 in that the movable guide rail is attached to a portion of the roof frame vs. attached to the rear gate of the vehicle. D1 also does not disclose a linkage assembly operably connected to said movable rail for pivoting and articulating said movable rail relative to said fixed rail when said plurality of roof panels is in said stacked configuration, thereby differing from what is shown in claims 1 and 20. Therefore claims 1, 15 and 20 are considered novel under PCT Article 33(2) and involve an inventive step under PCT Article 33(3). A similar analysis for claim 24 reveals the subject matter as novel and inventive when compared with the prior art.

Claims 2-14, 16-19, 21-23 and 25-27 ultimately depend on claims 1, 15, 20 and 24, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Claims 1-27 meet the criteria for Industrial Applicability set out in PCT Article 33(4) because the claimed invention can be made or deemed useful in industry.

**Box No. VIII** Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The description does not comply with PCT Article 5. A statement in an application, such as on page 8, line 26-27, which incorporates by reference an unpublished document, should not be regarded as being part of the description. A person skilled in the art should be able to understand the patent specification without reference to any other document.